

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

NIKE, INC.,  
Plaintiff,  
v.  
SKECHERS U.S.A., INC.  
Defendant.

Case No. 2:23-cv-09356-AB (PVCx)

## **JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT**

Pursuant to this Court's March 28, 2024 Order (ECF No. 49), Plaintiff Nike, Inc. ("Nike") and Defendant Skechers U.S.A., Inc. ("Skechers") (collectively, the "Parties") hereby jointly submit this Joint Claim Construction and Prehearing Statement.

#### I. The Construction of Terms on Which the Parties Agree

The Parties agree on the following constructions:

Claim Term	Agreed Construction
"unitary construction" (‘749 patent, ‘484 patent)	"configuration wherein portions of a textile element are not joined together by seams or other connections"
"unitary knit construction" (‘562 patent, ‘636 patent)	"formed as a one-piece element through a knitting process"
"ribs integrally knitted" (‘781 patent)	"a structure made of face wales and back wales wherein lengthwise ridges are formed on both sides of the fabric by pulling stitches first to the face and next to the back of the fabric in adjacent stitches or groups of stitches"
"ribs" (‘781 patent)	"ribs integrally knitted"
"central portion having a domed, three-dimensional structure" (‘484 patent)	"central portion having a domed, three-dimensional structure formed during the flat-knitting process, and not afterward"

#### II. Proposed Construction of Disputed Terms

The Parties' proposed constructions of all disputed terms are set forth in Exhibit A along with an identification of intrinsic and extrinsic evidence on which each party currently intends to rely to support its proposed constructions or oppose the other party's proposed constructions.

1           **III. Parties' Further Agreements Regarding Claim Construction**

2           Neither party will be submitting an expert declaration in support of its opening or  
3 responsive briefs or bringing an expert to testify at the claim construction hearing.

4           Dated: May 15, 2024

5           By: /s/ Bridgette C. Gershoni

6           Christopher J. Renk (admitted *pro hac vice*)  
7           Chris.Renk@arnoldporter.com  
8           Michael J. Harris (admitted *pro hac vice*)  
9           Michael.Harris@arnoldporter.com  
10          ARNOLD & PORTER KAYE SCHOLER  
11          LLP  
12          70 West Madison Street, Suite 4200  
13          Chicago, Illinois 60602-4231  
14          Telephone: (312) 583-2300

15          Bridgette C. Gershoni (SBN 313806)  
16          Bridgette.Gershoni@arnoldporter.com  
17          Michael J. Gershoni (SBN 311192)  
18          Michael.Gershoni@arnoldporter.com  
19          601 Massachusetts Ave., NW  
20          Washington, D.C., 20001  
21          Telephone: (202) 942-6745

22          Hilda Obeng (admitted *pro hac vice*)  
23          Hilda.Obeng@arnoldporter.com  
24          ARNOLD & PORTER KAYE SCHOLER  
25          LLP  
26          250 West 55th Street  
27          New York, NY 10019-9710  
28          Telephone: (212) 836-7883

29          Michael Sebba (SBN 345439)  
30          Michael.Sebba@arnoldporter.com  
31          ARNOLD & PORTER KAYE SCHOLER  
32          LLP  
33          777 South Figueroa Street, 44th Floor  
34          Los Angeles, CA 90017-5844  
35          Telephone: (213) 243-4000

36           By: /s/ Keith A. Orso

37           Morgan Chu  
38           mchu@irell.com  
39           Samuel K. Lu  
40           slu@irell.com  
41           Keith A. Orso  
42           korso@irell.com  
43           Thomas C. Werner  
44           twerner@irell.com  
45           IRELL & MANELLA LLP  
46           1800 Avenue Of The Stars, Suite 900  
47           Los Angeles, CA 90067  
48           Telephone: (310) 277-1010  
49           Facsimile: (310) 203-7199

50          *Attorneys for Defendant  
51          And Counterclaim-Plaintiff  
52          SKECHERS U.S.A., INC.*

53          *Attorneys for Plaintiff and Counterclaim-  
54          Defendant Nike, Inc.*

## **ATTESTATION OF CONCURRENCE**

I, Bridgette Gershoni, am the ECF User whose ID and password are being used to file this **JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT**. I attest that, pursuant to United States District Court, Central District of California Local Rule 5-4.3.4(a)(2), all other signatories listed above on whose behalf this filing is submitted concur in the filing's content and have authorized this filing.

Dated: May 15, 2024

/s/Bridgette Gershoni

## Bridgette Gershoni